

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JONATHON M. MARK,

Plaintiff,

v.

Case No. 22-cv-262-pp

JOHN DOE
and AARON R. GOLDSTEIN,

Defendants.

**ORDER SUBSTITUTING NEWLY-NAMED DEFENDANT FOR DOE
PLACEHOLDER, DISMISSING DEFENDANT AARON T. GOLDSTEIN AND
ORDERING SERVICE**

On November 17, 2023, the court screened the complaint and allowed the plaintiff to proceed on a Fourth Amendment claim against defendant John Doe, an unidentified City of Fond du Lac, Wisconsin police officer. Dkt. No. 7. The court named as a defendant City of Fond du Lac Police Department Chief of Police Aaron T. Goldstein for the limited purpose of helping the plaintiff identify the Doe defendant's name. Id. at 7-8. The plaintiff has identified the John Doe defendant as Joseph Belisle. Dkt. No. 9. The court will order service on the newly identified defendant and dismiss defendant Goldstein.

The plaintiff also has notified the court that the Prison Litigation Reform Act ("PLRA") may not apply to him. Id. at 2. According to the plaintiff, when he filed the complaint, he was in the Fond du Lac County Jail "on bail for Case No. 2021CF1023." Id. at 1. The screening provision of the PLRA applies to "any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary

program.” 28 U.S.C. §1915A; see also 42 U.S.C. §1997e(h) (same definition of “prisoner” applies to other PLRA provisions). Given that statutory language, it appears that the PLRA does apply to the plaintiff; if he has authority to the contrary, he may notify the court.

The court **DIRECTS** the Clerk of Court to substitute Joseph Belisle for the John Doe placeholder on the docket.

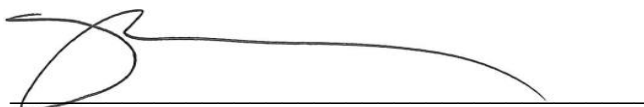
The court **ORDERS** that defendant Aaron T. Goldstein is **DISMISSED**.

The court **ORDERS** the U.S. Marshals Service to serve a copy of the complaint and this order on defendant Joseph Belisle under Federal Rule of Civil Procedure 4. Congress requires the U.S. Marshals Service to charge for making or attempting such service. 28 U.S.C. §1921(a). Although Congress requires the court to order service by the U.S. Marshals Service, it has not made any provision for either the court or the U.S. Marshals Service to waive these fees. The current fee for waiver-of-service packages is \$8.00 per item mailed. The full fee schedule is provided at 28 C.F.R. §§0.114(a)(2), (a)(3). The U.S. Marshals Service will give the plaintiff information on how to remit payment. The court is not involved in collection of the fee.

The court **ORDERS** defendant Joseph Belisle to file a responsive pleading to the complaint.

Dated in Milwaukee, Wisconsin this 29th day of December, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'P. Pepper', is written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge